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C O N F I D E N T I A L SECTION 01 OF 02 BAGHDAD 001521

SIPDIS

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TAGS: PREL PGOV IZ

SUBJECT: GOI ATTEMPTS TO LINK REFERENDUM ON SECURITY  
AGREEMENT TO JANUARY 2010 ELECTIONS

REF: BAGHDAD 1498

Classified By: Classified by Brian Shukan, Deputy Political Counselor f  
or reasons 1.4 (b) and (d).

¶1. (C) SUMMARY: While not yet definite, it appears likely that the Security Agreement (SA) referendum will be delayed to January 2010, to run concurrently with parliamentary elections. The Cabinet publically announced its preference June 9 that the SA referendum be held at the same time as parliamentary elections, contrary to a previous public statement by the Speaker of the Council of Representatives (CoR) Ayad Al-Sammarraie (reftel) that it would be held by July 30, as envisaged in the SA Law. According to an advisor to President Talabani, the Prime Minister, President, and Sammarraie agreed June 8 that the referendum should be delayed to coincide with or come after parliamentary elections, and told Chief Justice Medhat to announce a legal justification for the delay. The CoR Legal Committee is reportedly still working on a draft law. Another Maliki advisor told poloffs June 9 that parliamentarians are not enthusiastic about holding the referendum, but that the law and the language of the referendum will be crafted to encourage support for the SA.

¶2. (C) SUMMARY CONTINUED: While the referendum remains a political hot potato, at this stage it seems that negotiations between the CoR, cabinet and Iraqi High Election Commission (IHEC) could delay final approval of a referendum law beyond July 30. The CoR is likely to break for summer recess at the end of July, which could further postpone a decision on the referendum until September. END SUMMARY.

#### GOI LINKS REFERENDUM TO NATIONAL ELECTIONS

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¶3. (C) Talabani advisor Aram Yarwessi told poloff June 10 that Talabani, the PM, CoR Speaker Ayad al-Sammarraei and Chief Justice Medhat met June 8 to discuss the SA referendum. Yarwessi said that Talabani, Maliki and Sammarraie agreed that referendum should be delayed until after the national elections, and that Talabani asked Judge Medhat to attend to have an apolitical official to support this position. According to Yarwessi, Talabani, Maliki and Sammarraie asked Medhat to announce that it is legal for the referendum to be delayed, although it is not clear whether the Chief Justice agreed to do this.

¶4. (SBU) GOI Spokesman Ali Al-Dabbagh announced June 9 that the Cabinet (Council of Ministers-Com) "wishes to organize a referendum (on the SA) on the same day as parliamentary elections (in January 2010) to save money and time." The Cabinet also approved the appropriation of \$99 million to implement the referendum, although the CoR would have to approve this expenditure.

#### CRAFTING A REFERENDUM THAT WILL BOLSTER THE SA

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¶5. (C) Dr. Hassan Sunayd, a Da'wa MP (Legal and Security and

Defense Committees) and close confidante of PM Maliki, told poloffs on June 9 that most political leaders, including Sadr Trend MPs, were unenthusiastic about holding the referendum. However it would be politically unfeasible to amend the SA Law to obviate the referendum. He concluded that the best administrative and political option for the GOI in the current atmosphere was to postpone the referendum to coincide with parliamentary elections. Sunayd speculated that this course of action would allow Maliki to publically advocate for the SA, because his future is tied to the agreement. He said that the referendum law is being drafted in a way that will manage voter turnout requirements and will support the SA. Qvoter turnout requirements and will support the SA.

¶6. (C) (COMMENT: While we commonly refer to the agreement as the "Security Agreement," its official title in both Arabic and English is: "Agreement Between the United States of America and the Republic of Iraq on the Withdrawal of United States Forces from Iraq and the Organization of their Activities during their Temporary Presence in Iraq." We note that if the referendum is portrayed as a vote in favor of the "withdrawal agreement," it could be politically easier for Iraqi politicians to urge a yes vote. END COMMENT).

UNAMI: REFERENDUM IS NOT FEASIBLE BEFORE JULY 30

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¶7. (C) UNAMI Election Advisor Sandra Mitchell told poloffs that SRSG Staffan De Mistura would meet Speaker Sammarraie on June 10 to convey UNAMI's technical assessment that there is not sufficient time to organize a credible referendum by July 30. (NOTE: As reported reftel, UNAMI

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staff previously told us that IHEC could administer a referendum concurrently with Kurdish elections on July 25. UNAMI's optimistic assessment was likely based on the assumption that USAID-funded International Foundation for Election Systems (IFES) would assist IHEC with the referendum, which it will not. END NOTE.)  
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